IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25289 of 2004

Between:

1 N. Srinivas Goud, S/o. Yella Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
2 Ashok Kumar Goud, S/o. Ramakrishna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
3 B. Suesh Goud, S/o. B. Venkatramulu Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
4 Sudhakar Goud, S/o. Ramakrishna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
5 Haribbu Goud, S/o. Govind Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
6 Srinivas Goud, S/o. Kesanna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
7 Krishnaiah Goud, S/o. Kesanna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
8 Maddileti Goud, S/o. Krishnaiah,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
9 Raman Goud, S/o. Venkataiah Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
10 Goverdhan Goud, S/o. Ramakrishna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
11 Govind Goud, S/o. Ayyanna Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.
12 B. Srinivasa Goud, S/o. Govind Goud,
Tappers, R/o. Undavelli, Manopad Mandal, Mahaboobngar District.

..... PETITIONERS

AND

1 Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad.
2 The Superintendent, Prohibition & Excise, Mahaboobnagar District,

Mahaboobnagar.
3 Sub Divisional Prohibition & Excise Officer, Gadwal, Mahaboobnagar District.
4 Station House Officer, (Excise Inspector), Prohibition & Excise Station, Undavelli, Manopad Mandal, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the respondents in not passing any other for formation of 2nd Taddy Tappers Coop. Society in Undavelli Village, Manopad Mandal, Mahaboobnagar District to the petitioners herein basing on the eleigibility as illegal, arbitrary, discriminatory and violative of Article 14, 19 (1)(g) of the constitution of India and consequently direct the respondents herein to grant necessary permission for formation of 2nd Toddy Tappers Coop. Society in Undavelli Village, Manopad Mandal, Mahaboobnagar District.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following :

ORDER:

The petitioners claim that they are the residents of Vundavelli Village, Manopad Mandal, Mahaboobnagar District and that they hail from Tappers Community. According to them, they made efforts to get themselves admitted as members of the Toddy Tappers Cooperative Socieity (for short 'TTCS') of that village, but on account of certain vested interests, their attempts were thwarted. They state that since they do not have any alternative, they made an application to the respondents herein for registering a separate TTCS in that village. They complain that no action has been taken on the application.

Heard learned counsel for the petitioners and learned Government Pleader for Prohibition and Excise.

The petitioners were not successful in getting admitted into the TTCS. Obviously being frustrated with the rejection of their claims, they have decided to bring about an independent Society, instead of seeking membership in the existing Society. Whatever may have been the justification for the petitioners in choosing such a course of action, it is impermissible in law to register or establish another TTCS within the area of operation of an existing TTCS. Therefore, the request of the petitioners for establishing an independent society within the area of operation of the existing TTCS cannot be said to be in accordance with law. Hence, this Court is not

inclined to grant the relief.

Learned counsel for the petitioners submits that though the Superintendent of Prohibition and Excise, Mahaboobnagar, 2nd respondent, recommended for admission of the petitioners as members, the society has not complied with the same. It is not as if the petitioners are without any remedy. If the society persistently refuses, the petitioners can approach the competent authority or this Court for appropriate directions.

Therefore, the writ petition is disposed of, leaving it open to the petitioners to work out their remedies to get admitted into the existing TTCS. There shall be no order as to costs.

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16.02.2005

Note: Issue C.C. in two days.

(B/o)

Jsu

To

1 Commissioner of Prohibition & Excise, Andhra Pradesh, Hyderabad.
2 The Superintendent, Prohibition & Excise, Mahaboobnagar District, Mahaboobnagar.
3 Sub Divisional Prohibition & Excise Officer, Gadwal, Mahaboobnagar District.
4 Station House Officer, (Excise Inspector), Prohibition & Excise Station, Undavelli, Manopad Mandal, Mahaboobnagar District.

5 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad. (OUT)

6 2 CD copies